

**MINUTES:
COLUMBUS PLAN COMMISSION
WEDNESDAY APRIL 2,2003 AT 4:00 P.M.
MEETING ROOM , CITY HALL
123 WASHINGTON STREET
COLUMBUS, INDIANA**

Members Present: John DeLap, John Hatter, Shirley Todd, Jack Heaton, Patricia Zeigler Steve Ruble, Craig Hawes Mike Gillespie, Dave Bonnell and Gary Nienaber.

Members Absent: Dave Bonnell

Staff Present: Roger Hunt, Planning Director, Heather Pope, Laura Thayer, Sondra Bohn, Thom Weintraut; Tom Finke County Plan Commission liaison and Alan Whitted, Deputy City Attorney.

LIAISON REPORTS

Written reports were received and discussed.

CONSENT AGENDA

Motion: Mr. Gillespie made a motion to approve the consent agenda. Ms. Zeigler seconded the motion and it carried unanimously.

Mr. DeLap stated that the Public Hearing for the RZ-03-03-Orinoco/Fortmeyer Rezoning has been removed from the agenda due to a lack of a signature and will not be heard at this meeting.

OLD BUSINESS REQUIRING COMMISSION ACTION

Columbus Crossing Signage-Initiate Final PUD Plan Modification for Public Hearing in May.

Mr. Nienaber recused himself from this request.

Ms.Thayer presented this case as follows:

She said that staff had added to the table what plan commission had approved and what the sign ordinance would allow if it were not a PUD. Ms. Thayer stated that at this meeting she would ask that the commission to initiate a modification to the final PUD in order to deal with the signage. Staff would welcome any guidance from the plan commission before next month's meeting. A new proposal will be presented at the May 2003 meeting.

Motion: Ms. Zeigler made a motion to allow staff to move forward with a sign development plan for Columbus Crossings. Mr. Hatter seconded the motion and it carried unanimously.

Columbus Thoroughfare Plan Update-A complete revision and replacement of the city's existing Thoroughfare Plan.

Mr. Dave Hayward of Christopher B. Burke Engineering, LTD presented an update to the commission.

Mr. Hayward stated they have been working on this plan a number of years. He said a series of public

meetings have been held.

Mr. Hayward said this is a plan that will guide the city over the next twenty years as far as street improvements, new streets and improvements to existing street. This will be a tool to help the Plan Commission, City Engineer's Office, Board of Works and the City Council. It will have to be revisited from time to time. He said parts of this plan will need to be inserted in the new ordinances to make them enforceable.

Mr. Hunt said that Parks Department staff had recommended for neighborhood collector streets for sidewalks to go from five feet to eight feet wide.

Much discussion was held regarding sidewalks and people trails.

Motion: Mr. Thomasson made a motion to approve the Columbus Thoroughfare Plan with the suggestions of the Park Department included. Mr. Hawes seconded the motion and it carried with a vote of 9-0 with Mr. Gillespie abstaining.

(Provisionally returned by the City Council with Amendments)

PUD-3-03; WAL MART PUD REZONING A petition by Wal-Mart Real Estate Business Trust (By Thomas Michael Quinn), to rezone a property of approximately 21.56 acres located south of 10th Street and east of Whitfield Drive (Address: 735 Whitfield Dr.), from B-5 (General Business) to PUD (Planned Unit Development), to allow eventual approval of a Detailed PUD Plan which would allow inter alia creating of a seasonal Garden Center display area in the parking lot occupying approximately 128 parking spaces, along with existing site features associated with department-store retail commercial development.

Mr. Hunt presented the background information as follows;

Mr. Hunt stated that the item is on the agenda as it was returned by the City Council. The amendments require the plan commission to reconcile with the City Council. In this case Council as of last evening favorably approved the rezoning for Wal-Mart and sent forth three amendments.

Mr. Richard Eynon attorney-at-law represented Wal Mart.

He stated that Wal Mart has new people in place and they are trying to do what they need to do to be a good citizen. He asks the commission to approve this request as presented.

Motion: Mr. Thomasson made a motion to approve this request with amendments by the council. Mr. Heaton seconded the motion it carried with a vote of 9-1, Ms. Todd being the nay vote.

Ms. Zeigler read a statement as president of the BZA Board into the record.

PUDF-03-03: Little Creek Revised Final Detailed PUD Plat – A petition by Robert Monroe Construction Inc. for Plan Commission approval of a Detailed (Final) PUD Plan for Phase 1 of the Little Creek PUD development, consisting of 2.3 acres located immediately west of Westhill Shopping Center between SR 46 and Carlos Folger Road, for the purpose of permitting redevelopment of two existing one-store builds totaling approximately 16,635 square feet and a parking area of 42 spaces, along with landscaping, signage and other appropriate infrastructure.

Mr. Hunt presented the case as follow:

On March 5, 2003, the Plan Commission voted by a narrow majority (6-3-1) to deny the Final Detailed PUD Plan for Phase 1 of the Little Creek Planned Unit Development. The applicant has now appealed the Commission's decision to City Council, for reasons outlined in his letter

As you will recall, rezoning of this property from PUD (old) to PUD (new) was approved by Council in December 2002. The majority owner subsequently applied for approval of the Phase 1 plan, which is normally the last step required in order to receive a Zoning Compliance Certificate (ZCC) and proceed to the building-permit stage. (In this case several additional steps were required of the applicant in order to receive a ZCC, as outlined in the attached staff report.)

In most if not all other cases, an appeal on a zoning issue would have to go to the Board of Zoning Appeals. However, the PUD Chapter provided for a different process: If an applicant wishes to appeal the Plan Commission's denial of a Final Detailed PUD Plan, that appeal must go to City Council. The relevant section of the Zoning Ordinance is attached.

To the staff's knowledge, this is the first time anyone has appealed a PUD plan under this procedure. There is little guidance from either the law or past precedent as to how to proceed. The staff believes Council has essentially two choices: (1) Conduct a full review of the final PUD plan, reaching a decision that either approves or denies the plan; or (2) consider this appeal strictly as an opportunity to decide whether or not the plan should be re-heard by the Plan Commission. If the second choice is made, the plan could be returned to the Commission with or without the Council's guidance. We expect to have more information from the city attorney's office by April 1 regarding the procedural aspects.

In case the Council chooses to review the plan on its merits, we are including the original staff report provided to the Plan Commission. As noted in the report, the staff had recommended that the Plan Commission approve this request, with certain conditions as specified in the report. At the public hearing, additional input was given by Code Enforcement and the Fire Department. The principal planning issue they raised concerned parking adequacy in general and the lack of paved parking on the west side of the building specifically. The Fire Inspector asked that a paved, dedicated fire engine turnaround be provided west of the main structure. This is a more than reasonable condition and including it in the plan will benefit public safety.

The staff continues to believe the plan is acceptable with the conditions suggested, including the fire turnaround.

Mr. Hunt said there was a discussion regarding this issue at the City Council April 1, 2003. The request is being sent back to the commission for clarification because of ambiguity in the instruction that this be reconsidered for some specific comments made as to what would be an acceptable plan or if there is not a plan what would this board like to see happen.

Mr. Thomasson stated that there was a safety issue that needed to be addressed. He said this in of itself would require a denial. Secondly he said that the property continues to have debris around it that has not been cleaned up. He said promises would not be enough and that it had to happen before he could support this request. He said he would be in favor of confirming the decision. Mr. Thomasson stated a different plan should be presented.

Mark Sackman with the Columbus Fire Department stated that the city code and the uniform fire code require the department to have access to both sides of the building. There is not the proper access requirement available at this site at the present time around the structures. He stated they were not in favor of this plan. Mr. Sackman also pointed this out on the site plan as requested by the board.

Bob Monroe and Don Edwards attorney-at-law represented the petitioners.

Mr. Monroe stated that at the last meeting he had agreed to meet all the requirements of the fire department.

Much discussion was held regarding fire access to this site.

Mr. Monroe asked that the request be approved saying that he would meet the fire code requirements.

Mr. Thomasson said that he would like to see a formal plan presented to the board before approval of this request was granted.

Mr. Whitted stated that the City Council had sent back the request to determine the clarification for the denial of the petition.

Motion: Mr. Thomasson made a motion to clarify the reasons that the request was denied. He said the PUD was denied because of safety concerns regarding the fire department access required by code and also based upon the fact there continues to be debris that needs to be cleaned up on the PUD before we consider the project again. Mr. Heaton seconded the motion and if carried with a vote of 8-1 with Mr. Nienaber being the nay vote and Ms. Zeigler abstaining from voting because of her absence at the last meeting. This will be returned to the council.

Ms. Todd objected to Mr. Monroe's criticism of herself and the plan commission in regards to the previous comments and decision of the commission regarding the petition.

NEW BUSINESS REQUIREING COMMISSION ACTION

RZ-03-03; Ornioco/Fortmeyer Rezoning: (Petition invalidated due to lack of signature).

A petition by Orinoco Property Inc. (Andy Counciller), on behalf of Ray Fortmeyer to rezone 2 parcels totaling approximately 18,720 square feet, located on the northwest and southwest corner of 21st Street and Cottage Avenue, from I-2 (Medium Industrial) to B2C (Community Business with conditions), to allow reconstruction of an existing building for commercial use, totaling approximately 6500 square feet under roof and accompanied by a particular building elevation design plus 21 parking spaces (on site south) and 18 parking spaces (off-site) north), along with landscaping, signage and other associated development.

Mr. DeLap stated this had been removed from the agenda and would not be heard at this meeting.

RZ-03-5; Maquina Realty/Webb Rezoning-A petition by Maquina Realty Corporation, on behalf of Georgia M. Webb and Marvin & Judy Boffo, to rezone 3 parcels totaling approximately 1.38 acres, located on the southeast corner 25th Street and Marr Road, from R-7 (Multi-Family Residential) to B-2 (Community Business).

Mr. Roger Hunt presented the case as follows:

At present, the property is bordered on the south by a B-2 development, namely Sims Plaza, which houses a number of small retail or office/service type uses, with Tapatio Mexican Restaurant south of that. Most other properties in the immediate vicinity are either single family or multi-family (Evergreen Apartments across Marr Road). However, the south side of 25th Street in general is a heavily developed commercial corridor. Slightly west of here is Clover Center; to the east are several funeral homes, a bank, and a new liquor store (under construction). (There is another commercial rezoning request on your agenda for this stretch of residential property between Marr and Taylor.)

The north side of 25th is somewhat more residential and less commercially developed, but we also have significant businesses such as Sandcrest, Holiday Center, and Everroad Park. Finally, from this point south Marr Road is almost entirely non-residential, except for the backyards of several houses in Hiker Trace opposite the rear of the old Ames store.

Little information has been volunteered by the applicants as to what they envision for the property. To date there has been just one brief discussion with staff about the rezoning, which included mention of retail development. No information is available at this time concerning potential site design details, such as internal traffic circulation, external circulation (driveways), anticipated building footprints, heights and setbacks, or landscaping.

In some cases, these details are not necessary at the rezoning stage in order to assess potential impacts. However, this is a relatively small site. The depth from 25th Street is only approximately 150 feet, and increasing use of the driveway onto Marr Road to any significant degree would be hazardous this close to the Marr/25th intersection. The properties are close to single-family residences to the east and southeast. If development is not handled properly on this site, problems can be created for immediate neighbors and for this region of the city.

The staff believes that on the whole, rezoning this corner to commercial would be better than leaving it multi-family residential.

At the time we prepared your report on the 25th & Marr rezoning, the staff did not have a site plan, nor any other specific information about the proposed redevelopment of this property. Since the memo was written, we have received a preliminary site plan and other information concerning future plans on the corner. The planning and engineering staff have had time to review the concept plans, and as a result we are prepared to provide an updated staff recommendation.

The attached Preliminary Plan shows the applicants-proposed layout. Building footprints and sizes and parking and circulation details are approximate, but the plan is firm enough to allow planning analysis. The staff believes that with proper safeguards, the rezoning can be sent forward today with a favorable Plan Commission recommendation, provided the conditions outlined above are met. For reference we are also attaching an aerial photo of the site as it is currently developed.

The conceptual site plan generally is acceptable to staff. The principal questions concern buffering for adjacent residential properties and driveway entrances. There is enough room on the east side to install the required transitional yard and buffer required between B-2 and R-6. The driveway onto Marr Road is appropriately located south of the raised median and almost directly opposite the Evergreen Apartments driveway. However, the location of the 25th Street driveway as shown causes problems. Westbound 25th has a center left-turn lane that begins approximately where the entrance is shown, and this poses problems for traffic turning movement conflict. Additionally, conflicts can arise with any left turns out of the property onto 25th Street westbound, or left turns into the property from 25th Street westbound. Staff has discussed these issues with the applicants, and they are prepared to move the 25th Street driveway as far east as possible (keeping transitional yard requirements in mind) and to design it as right-in, right-out only.

In addition to the plan, the staff has also had verbal communication with the applicants regarding commercial uses of property. The applicants are prepared to share more information about the general categories of use at the meeting. The staff is satisfied that Community Business level uses will be compatible with the property.

Staff recommends the Plan Commission favorably recommend this rezoning petition to the City Council, including conditions.

Mr. E.R. Gray of E.R Gray and Associates and Thomas English with West Side Realty represented the petitioner.

Mr. English stated that this would be a 13,800 square foot high quality neighborhood convenience shopping center. He stated the construction would be the highest quality of materials. He said they were targeting national tenants and expects the property to be at the high end of spectrum. He said they were willing to comply with the City Engineer's recommendations in regards to circulation and access.

Much discussion was held regarding the driveway off 25th Street.

Mr. Thomasson asked what kind of mix they were trying to attract to the area.

Mr. English stated a mix of businesses would service the neighborhood east of National Road. He said a dry cleaners, coffee shop, video rental, sandwich shop, etc. He said those kind of services were needed in that area. He also said they had anticipated four to six spots that would comprise the leaseable space.

Mr. Ruble expressed concern about the drive off 25th Street. Much discussion was held regarding access to the property.

Mr. DeLap opened the meeting to the public.

Mr. & Mrs. Steven Morris expressed concern against this request because of traffic and presented a petition to the commission.

Mr. Tom Thomas expressed concern regarding the numbers of extra cars that this shopping area would create on 25th Street.

Mr. Lloyd Grimm an adjoining property owner opposed the drive off of 25th Street and also the addition of debris that would be created.

Mr. Mike Griffin was concerned about the increased traffic.

Ms. Beth Grimm expressed concern about all the existing empty spaces available now and turning off of 25th Street being safe for residents living there now.

Ms. Brenda Griffin stated she was afraid for the safety of children living in the area.

Ms. Jolinda Buchanan representing her mother who lives in the area. She expressed concern about increased traffic and older residents that have no place to relocate.

Much discussion was held regarding increased traffic at this site.

Mr. DeLap closed the meeting to the public.

Mr. DeLap read a letter into the record opposing the rezoning.

Mr. Thomasson asked if this could be considered for a PUD.

Mr. Gray said he would need to confer with his client.

Mr. English said the low income apartments would be removed from the area that are currently on site. He said that some of the existing trash could be coming from these apartments. He said he expected this

development to be an improvement that is located there at this time. He said there would be an increase in traffic. Mr. English stated he did not find very many alternatives to choose from in Columbus when trying to find a storefront for a business. Mr. English stated that this would be a first class shopping center. He said services would be provided for pick up of trash and sweeping of parking lots.

Ms. Zeigler asked if consideration had been given to professional businesses for this development.

Mr. English said it would not economically feasible. He said the rent would not support a development of this size.

Mr. DeLap stated he was not in favor of an access off 25th street because of traffic and not knowing the types of businesses that would be located there. He said he thought the intersection was a dangerous one.

Discussion was held regarding this request being submitted as a PUD versus a B-5 rezoning.

Mr. Thomasson said he would be in more in favor of a PUD than a straight B-5 rezoning.

Ms. Zeigler expressed concerns regarding safety issues. She also said she would be more in favor of this request when Taylor Road opens regarding traffic issues. She also questioned how many more national companies could be locating here.

Mr. Ruble asked if the site could be developed with single drive off Marr Road.

Mr. English stated no.

Mr. Gillespie said that he saw no purpose in this development with the shopping center across the street. He said it would seem that the demand for these services were being provided to the neighborhood at this time.

Mr. English did not want to file for a PUD.

Mr. Gray stated that he would ask the board for approval of this rezoning as presented.

Motion: Mr. Hawes made a motion to approve this request as presented with staff comments. Mr. Nienaber seconded the motion and it failed with a vote of 8-2 with Mr. Nienaber and Mr. Hawes being the yeh votes. John Hatter, John DeLap, Steve Ruble, Jack Heaton Shirley Todd, Mike Gillespie, Mike Thomasson and Pat Zeigler were the nay votes.

Motion: Mr. Hawes made a motion to deny this request. Mr. Heaton seconded the motion and it carried with a vote of 10-0.

Mr. Mike Gillespie had to leave at this time.

RZ-03-04 Myers Rezoning: A request by Steven P. Myers and Mary H. Myers to rezone 2 lots totaling 22,500 square feet from R-3 (Single Family Residential) to B-1 (Neighbor Business). The property is located on the south side of 25th Street, 175 feet west of Glenview Drive in the City of Columbus.

Ms. Thayer presented the background information on this request:

These two lots are part of Hiker Trace Subdivision, Section 4, platted in 1964. The lots are undeveloped. The petitioner has indicated that a flower shop will be located here. The rezoning would not guarantee that the property would be used for a flower shop. Any permitted use in the RB or B-1 districts would be allowed unless restricted by a condition of the rezoning.

25th Street is classified as a primary arterial. The zoning ordinance specifies a right-of-way of 100 feet and a setback of 50 feet from the right of way line, meaning no buildings could be constructed within 100 feet of the centerline of 25th Street. Parking is permitted in the setback but not the right-of-way. A transitional setback of 20 feet is required for B-1 districts abutting residential districts. This would affect the west and south boundaries. The transitional setback may be used for driveways, parking, and landscaping.

Site access, circulation, and drainage, will be reviewed by the City Engineer during the site plan approval process. The subdivision ordinance requires 600 feet of separation between driveways/intersections along primary arterial. The property (both lots) is 180 feet wide. There is a residential driveway approximately 20 feet west of the west property line, and an intersection (Glenview Drive) approximately 220 feet east of the east property line. There is no way this separation can be achieved, and there is no other access to the property.

The City Engineer does not see a particular problem with a driveway, as long as the design is submitted for approval; however, a modification from the subdivision ordinance will need to be granted by Plan Commission as part of the an administrative subdivision approval process.

The thoroughfare plan requires 90 feet of right-of-way for a primary arterial of this type. Therefore, the owner will need to dedicate 5 additional feet of right-of-way to conform to half right-of-way of 45 feet.

The B-1 district requires a minimum Lot size of 5,000 square feet and frontage of 50 feet. The two lots combined have approximately 22,500 square feet, and approximately 180 feet of frontage.

A landscape plan will be reviewed as part of the site plan approval process.

Signs will be reviewed as part of the site plan approval process also.

Staff would recommend rezoning to B-1C with commitments.

Mr. Jim Holland, attorney-at-law and Patrick Myers represented the owners.

Mr. Holland said that the staff's presentation summarized the request and addressed most of the issues. He said the owners are under contract with the buyers who intends to put a florist shop at this location. He said it was a logical extension of the existing properties located in the area. He said there would not be a high volume of traffic. He said the area was not conducive to a residential building. He said he would ask the board to rezone as requested.

Mr. DeLap opened the meeting to the public.

Mr. Ray Keller representing First Lutheran Church expressed concerns about there not being any left turn lanes on 25th street located in this area. He said this was not even close to a busy intersection.

Mr. Jim Gillespie said he did not want any change in the zoning unless it was specified a consistent use for the building in the future.

Mr. DeLap closed the meeting to the public.

Mr. Hunts said the commission could attach conditions to the rezoning.

Mr. Thomasson asked what kind of uses would be inappropriate in this area.

Discussion was held and it was determined that food services, drinking establishments, and liquor stores, would not be allowed.

Motion: Mr. DeLap made a motion to approve this request with conditions as presented by staff, in addition restricting the uses to business service uses, including banks, financial institutions and florist shops. Mr. Heaton seconded the motion and it carried with a vote of 9-0.

Mr. DeLap had to leave the meeting at this time

Mr. Nienaber was acting chairman.

C/ZC-03-12: Family Video-A request by Deborah Perr on behalf of Anthony Spachholz, Ventra Corporation, Vantage Property Solution, and Hoosier Wireless, LLC for site plan approval for development as a video retail business of approximately 9,400 square feet, along with 66 parking spaces, and other site elements. As part of the condition of the recent rezoning a site plan will be presented for approval to the Columbus Plan Commission for property located at the southwest corner of Central Avenue and 22nd Street, Columbus, IN.

Ms. Pope presented the case as follows:

As of the time of this report staff would recommend approval with the following technical comments being met, the majority is concerning the certified site plan, which can be reviewed and approved by staff.

On January 2, 2003, the Columbus Plan Commission made a favorable recommendation to the City Council for a rezoning request of approximately 1.3 acres from I-2 (Medium Industrial) to B-5C (General Business with Conditions). The conditions were as follows:

1. A site plan meeting the standards and requirements of the Zoning ordinance shall be reviewed and approved by the Plan Commission prior to issuance of any Zoning Compliance Certificate for this property or portion thereof.
2. Outdoor sales and/or display of merchandise shall not be permitted on the subject property.

City Council on January 21, 2003, amended the rezoning ordinance to include a third condition, stipulating that taverns and bars would be prohibited from locating on the subject property. On February 4, the City Council approved the rezoning as amended. On February 5, the Plan Commission gave the rezoning request a favorable reconciliation vote.

Please note that the conditions approved with this rezoning request do not apply to the Central Avenue frontage properties (Graham Todd Motors, former Home Folks Restaurant, etc.)

As part of the condition of approval the petitioners are proposing a site plan showing: A 9,400 square foot building (7,500 sq. ft. for the Family Video store and 1,200 sq. ft. for each B-Shop").

Sixty-six (66) parking spaces have been proposed with two being designated for the physically challenged.

The petitioners are proposing 6,015 points of landscaping. The ordinance requires 6,007 points.

They exceed requirements by eight points.

The petitioners are proposing three access points. One along Central Avenue, one on 21st Street and one on 22nd Street. The driveways on 21st and 22nd Streets are proposed at 36' in width. The Engineers Office would recommend a center island be located in all driveways exceeding 30' in width. The driveway on Central Avenue for this proposed use adds the potential for additional traffic conflicts to a four-lane arterial street. City Engineers Office recommends no driveway cut along Central Avenue.

Lighting associated with any development shall not cause glare resulting in a safety hazard onto adjacent streets, as determined by staff

Mr. E.R. Gray of E.R. Gray and Associates, Deborah Perr and Dennis Sheward represented the petitioner.

Mr. Sheward of T& W Corporation who is the general contractor for Family Video spoke on behalf of the petitioner. He said the company would be coordinating the planning, design and construction of the building. He handed out pictures of the building that would be constructed in the area. Ms. Perr stated the neighbors were pleased with the plan presented.

Mr. Gray passed out copies of elevations to the commission. He said there was only one issue that needed to be resolved, the access off of Central.

Mr. Sheward said that entrance off Central was crucial to the project. He said there was a meeting with Mr. Ruble and some options were discussed. He said they understand the ordinance called for 600-foot spacing and that was impossible to do at this site. Discussion was held regarding the intent of the ordinance. He said as you approach north on Central Avenue there are four lanes of traffic, but there is a flare to the width as you approach 22nd Street and the width widens to accommodate five lanes of traffic. One of things proposed is to have a dedicated left turn lane there.

Ms. Zeigler questioned if there would be sidewalks. Mr. Gray said yes.

Mr. Hawes stated that this was his district and he had received numerous phone call and letters regarding this area. He expressed his concerns about the traffic and that there should be cut allowed off of Central Avenue. He said this would be an improvement in this neighborhood. Mr. Hawes said he had spent a lot of time dealing with these issues.

Mr. Ruble said he agree with the left-handed dedicated turn off Central. He asked if the petitioners would oppose a right hand out only on Central. Mr. Sheward said it would be difficult to enforce. Vehicles could leave from 21st and 22nd Street. Mr. Greg Holstead who is the owner of the store stated he would prefer to have a left turn out because of the existing light that would help with traffic.

Much discussion was held regarding the turning lanes off and on Central Avenue.

Mr. Heaton questioned a letter that had been received from legal counsel stated that these petitioners were not the legal owner of record and a lawsuit would be filed on their behalf.

Mr. Whitted said he was comfortable going forward with this request with the facts that have been presented.

Mr. Sheward read a letter into the record regarding the request. It stated that the estates or interest in the lands described or referred to in the Commitments and covered by the title policies are in Fee Simple and title thereto is effective date hereto and vested in the respective owner's name. This letter

is submitted by Baker, Pitman & Page a law firm from Indianapolis and signed by Mr. Paul Page, Attorney-at-Law.

Mr. Nienaber opened the meeting to the public.

There was not one present to speak for or against this request.

Mr. Nienaber closed the public meeting.

Mr. Nienaber read a letter into the record from Tom Mote, attorney-at-law, representing Ken St. Clair who claims part ownership, and stating a lawsuit will be filed if this request is approved.

Mr. Thomasson stated he would abstain from voting, as there was a conflict of interest as he had represented Mr. St. Clair at one time.

Motion: Ms. Zeigler made a motion to approve this request with technical comments and with allowing a curb cut on Central Avenue and creating a left turn on Central Avenue and also coordinating with the City Engineer. Mr. Heaton seconded the motion and it carried with a vote of 6-1 with Mr. Ruble being the nay vote and Mr. Thomasson abstaining.

SU-MM-03-20; Lakeview Church of Christ- A request by Lakeview Church of Christ for a major modification to their special use site plan for a 16'x30' storage shed and approval of a new site plan. The property is located at 4040 N, 150 W, Columbus, IN.

Ms. Pope presented the request as follows:

This petition was originally filed in September and heard at the October 2002 Plan Commission meeting. At that meeting the church was only requesting approval for a 16' x 30' storage building. Prior to the meeting upon a site inspection it was discovered that many of the special use site plan's original requirements approved in 1999 are missing and/or were never installed, and other elements may have been installed improperly. Additionally, at that time the City Engineers Office had not had a chance to complete a site inspection. Because of that, staff recommended and the Plan Commission continued the request until November, at which point more accurate information would be available. The Church requested a withdrawal without prejudice at the November Plan Commission meeting. The Plan Commission approved this request.

Since that time the Church has provided the Planning Department with a more accurate site plan depicting what is actually on the subject property. The Church believes that there was a miscommunication when the site plan was originally approved in 1999. The site plan currently under consideration is more accurate to the site.

The new site plan does not indicate how many parking spaces are provided. However, a site inspection showed 159 spaces marked. Staff will need to know the size of the sanctuary to determine the actual number of spaces required.

A drainage plan has not been provided for the new site plan. However, upon a site inspection and the elevations provided on the site plan the City Engineers Office found the drainage to be acceptable.

The original site plan shows an 8' x 4' monument sign located in the island in the north access point. The new proposed site plan shows a sign on a mount near the north entrance to the property. This sign has not been erected as of the date of this report.

The landscaping that was originally proposed showed more landscaping than was planted. The new proposed site plan shows a landscape plan that meets the landscape ordinance, but does not accurately depict what is planted according to staff member Thom Weintraut who is knowledgeable about landscape materials.

Staff recommends approval with conditions.

Mr. Jim Tempel represented the petitioner as trustee of the church.

He said this an attempt to bring everything current that is happening on the site. This is for the storage shed that they are requesting to build located at the southwest corner of the current building. Also he stated that the sign is being moved from one side of the road to the other because of safety reasons.

Mr. Tempel said he had no objections to any of staff 's comments.

Mr. Nienaber opened the meeting to the public.

There was no one to speak for or against this request.

Mr. Nienaber closed the meeting to the public.

Motion: Mr. Heaton made a motion to approve this request with staff recommendations. Ms. Todd seconded the motion and it carried with a vote of 7-0.

DISCUSSION ITEMS

Mr. Hunt requested plan commission permission to initiate an amendment to the zoning ordinance that would change the provision that states Columbus City Water and Columbus City Sewer are necessary to serve any development except in AG zoning. It would apply fine in the city limits but in areas of the two-mile jurisdiction served by Eastern Bartholomew Water it could create cases where owners could not develop their property. He said the amendment should say with Columbus Fire Department approval for public or semi-public water and sewer that would be suitable to serve the public.

Motion: Ms. Zeigler made a motion to allow Mr. Hunt to change the zoning ordinance in regards to the water and set a public hearing for May 2003. Mr. Hawes seconded the motion and it carried unanimously.

DIRECTOR'S REPORT

ADJOURNMENT: 6:45 P.M.